



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

August 8, 2023

Re: FOIA Request NLRB-2023-001394

Dear David Osborne (Commonwealth Foundation):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on May 12, 2023, in which you seek copies of all records in *International Brotherhood of Teamsters, AFL-CIO, Local 312 (Majestic Management Holiday Inn)*, Case No. 04-CB-009156, *International Brotherhood of Teamsters Local 312, AFL-CIO (Holiday Inn (Essington))*, Case No. 04-CB-009334, *International Brotherhood of Teamsters Local 312 (Henkels & McCoy Pipeline)*, Case No. 04-CB-010387, *International Brotherhood of Teamsters Local 312 (Henkels & McCoy, Inc.)*, Case No. 04-CB-010401, *International Brotherhood of Teamsters Local 312 (Fizzano Brothers Concrete Products, Inc.)*, Case No. 04-CB-010497, *International Brotherhood of Teamsters Local 312 (Majestic Management Corporation d/b/a Wyndham Gard)*, Case No. 04-CB-010581, *INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 312 (NAPP GRECCO CONSTRUCTION)*, Case No. 04-CB-101752, *International Brotherhood of Teamsters Local 312 (HT Sweeney & Sons, Inc.)*, Case No. 04-CE-104882, *International Brotherhood of Teamsters Local 312 (HT Sweeney & Sons, Inc.)*, Case No. Case Number: 04-CC-104886, and *Teamsters Union Local 107 (DHL Express)*, Case No. 04-CB-314725. You assumed financial responsibility for the processing of your request in the amount of \$37.00.

We acknowledged your request on May 12, 2023. During a July 31, 2023 telephone call with a member of my staff, you agreed to narrow the scope of your request to the formal records from each of the case files listed in your request.

Searches of the Agency's electronic casehandling system, NxGen, were conducted. Those searches did not locate any records, either formal or otherwise, from the following cases listed in your request: *International Brotherhood of Teamsters, AFL-CIO, Local 312 (Majestic Management Holiday Inn)*, Case No. 04-CB-009156, *International Brotherhood of Teamsters Local 312, AFL-CIO (Holiday Inn (Essington))*, Case No. 04-CB-009334, *International Brotherhood of Teamsters Local 312 (Henkels & McCoy Pipeline)*, Case No. 04-CB-010387, and *International Brotherhood of Teamsters Local 312 (Fizzano Brothers Concrete Products, Inc.)*, Case No. 04-CB-010497. Further, while the search of its case file did locate two records, neither of the records

located for *International Brotherhood of Teamsters Local 312 (Henkels & McCoy, Inc.)*, Case No. 04-CB-010401 were responsive, formal records.

However, the additional NxGen searches for the remaining cases listed in your request located 54 pages of responsive records which are attached.

After a review, I have determined that certain information in the attached records is exempt from disclosure under Exemptions 6 and 7(C) of the FOIA (5 U.S.C. § 552(b)(6) and (b)(7)(C)). Specifically, redactions have been made to protect the privacy interests of individuals named in the records. These redactions were made pursuant to FOIA Exemption 6, which protects personally identifiable information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which protects records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C).

For the purpose of assessing fees, we have placed you in Category D, the “all other requesters” category, because you do not fall within any of the other fee categories. Consistent with this fee category, you will be assessed charges to recover the reasonable direct costs for searching for the requested records, except that you will not be charged for the first two hours of search. NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(2)(ii)(D). Charges for all categories of requesters are \$9.25 per quarter hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Less than two hours of professional time was expended in searching for the requested material. Accordingly, there is no charge for this request. Given that there is no charge for this request, your request for a fee waiver is moot.

You may contact Michael A. Maddox, the FOIA Attorney-Advisor who processed your request, at (202) 273-0013 or by email at Michael.Maddox@nrlb.gov, as well as the Agency’s FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami, FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

August 8, 2023

Page 3

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:

<https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt, Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (54 pages)